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MARTIN'S EX'RS *v.* COMMONWEALTH.

March 30, 1920.

[102 S. E. 724.]

**Statutes (§ 64 (4\*))—Invalidity of Exception Does Not Invalidate Act.**—If the provisions of the West fee bill as amended by Acts 1916, c. 472, excepting from the act present incumbents in the city of Richmond, and exempting a county from the act until January 1, 1918, violate Const. art. 4, § 64, prohibiting suspension of a general law for the benefit of any private corporation, association, or individual, the only effect of such violation would be to render the suspension inoperative, and the other provisions of the act would remain in force.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 186.]

On petition for rehearing. Rehearing refused.

For original opinion, see 102 S. E. 77, 6 Va. Law Reg. N. S.

KING *v.* COMMONWEALTH.

March 30, 1920.

[102 S. E. 757.]

**Intoxicating Liquors (§ 251\*)—Automobile Used to Transport Forfeited Notwithstanding Purchase Money Lien.**—An automobile used in the illegal transportation of liquor will be forfeited to the state, under Acts 1918, c. 388, notwithstanding a claim of purchase-money lien on the automobile in favor of third party, who had no notice of such illegal use.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 186.]

Error to Hustings Court of Richmond.

Proceeding by the Commonwealth to enforce forfeiture of an automobile, in which E. A. King intervened. Judgment of forfeiture, and intervener brings error. Affirmed.

*Brockenbrough Lamb*, of Richmond, for plaintiff in error.  
*Geo. E. Wise*, of Richmond, for the Commonwealth.

PENNINGTON et al. *v.* COMMONWEALTH.

March 30, 1920.

[102 S. E. 758.]

**1. Intoxicating Liquors (§ 251\*)—Person Using Automobile to Transport Liquor Held Not Presumed to Have Acquired Same by Theft or Trespass.**—In proceedings by the commonwealth for for-

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

feiture of an automobile engaged in the illegal transportation of intoxicating liquor while in possession of a person other than the owner, in which the owner intervened, it will not be presumed that the person in charge at the time of seizure acquired possession by theft or other trespass.

**2. Intoxicating Liquors (§ 246\*)—Automobile Used to Transport Liquor Forfeited, Though Driver Agreed with Owner Not to Take Vehicle Out of State.**—Where owner of automobile in other state permitted another person to use automobile under agreement not to take it out of such state, and where automobile, in violation of such agreement, was taken into this state, where it was seized by the commonwealth by reason of its use in illegal transportation of intoxicating liquors, the automobile will be forfeited to state, notwithstanding violation of agreement not to take it out of state, since person in possession at time of seizure had lawful possession in the first instance.

**3. Intoxicating Liquors (§ 251\*)—Automobile Used to Transport Liquor Forfeited, Notwithstanding Recorded Lien against It.**—Automobile used for illegal transportation of intoxicating liquor will be forfeited to the state, notwithstanding that it is subject to a recorded lien for money loaned; the lien being subordinate to the commonwealth's right to have automobile forfeited.

Error to Hustings Court of Richmond.

Proceeding by the Commonwealth for forfeiture of an automobile engaged in illegal transportation of intoxicating liquors, opposed by F. C. Pennington and J. L. Ricker. Judgment of forfeiture, and Pennington and Ricker bring error. Affirmed.

*G. K. Pollock and Brockenbrough Lamb*, both of Richmond, for plaintiffs in error.

*Jno. R. Saunders, Atty. Gen., J. D. Hank, Jr., Asst. Atty. Gen., and Leon M. Bazile*, of Richmond, for the Commonwealth.

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BUCHHOLZ v. COMMONWEALTH.

March 30, 1920.

[102 S. E. 760.]

**1. Intoxicating Liquors (§ 246\*)—Automobile Stolen by Chauffeur with Whom Owner Intrusted It, May Be Forfeited.**—Where an owner in the District of Columbia intrusted his automobile to his chauffeur to take to repair shop, and the latter used it for unlawfully transporting ardent spirits into the commonwealth, the auto-

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.